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**IN THE UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF PENNSYLVANIA**

DAVID B. CORNEAL AND  
SANDRA Y. CORNEAL

CASE NO. 1:00-CV-1192

vs.

JACKSON TOWNSHIP, Huntingdon County, Pennsylvania,	:	JURY TRIAL DEMANDED
W. THOMAS WILSON, Individually and in his Official Capacity as Supervisor of Jackson Township, MICHAEL YODER, Individually and in his Official Capacity as Supervisor of Jackson Township,	:	
RALPH WEILER, Individually and in his Official Capacity as Supervisor of Jackson Township, BARRY PARKS, Individually and in His Official Capacity as Sewage Enforcement Officer of Jackson Township,	:	
DAVID VAN DOMMELEN, Individually and in his Official Capacity as Building Permit Officer, ANN I. WIRTH, Individually and in her Official Capacity as Secretary of Jackson Township, and	:	

**FILED**  
**HARRISBURG, PA**

MAR 13 2003

MARY E. D'ANDREA CLERK  
Per \_\_\_\_\_  
Deputy Clerk

**DEFENDANTS' JACKSON TOWNSHIP, W. THOMAS WILSON,  
MICHAEL YODER, RALPH WEILER, BARRY PARKS,  
DAVID VAN DOMMELEN AND ANN I. WIRTH'S  
RESPONSE TO PLAINTIFFS' MOTION TO STRIKE DEFENDANTS'  
MOTION FOR RECONSIDERATION AND IN REPLY TO PLAINTIFFS'  
BRIEF IN OPPOSITION TO DEFENDANTS'  
MOTION FOR RECONSIDERATION**

NOW COME Defendants, Jackson Township, W. Thomas Wilson, Michael Yoder, Ralph Weiler, Barry Parks, David Van Dommelen and Ann I. Wirth, by and through their authorized counsel of record, Mayers, Mennies & Sherr, LLP, and in response to Plaintiffs' Motion to Strike Defendants' Motion for Reconsideration state

as follows:

1. Admitted.

2. Admitted.

3. Admitted.

4. Denied. The allegations contained in ¶4 attempt to characterize a legal writing, which speaks for itself, that is this Court's Order dated December 23, 2003 and on that basis, Plaintiffs' characterizations of the same are denied.

5. Admitted.

6. Admitted.

7. Admitted.

8. Admitted.

9. Denied. The allegations contained in ¶9 constitute a conclusion of law to which no responsive pleading is required and on that basis, they are denied.

10. Denied. The allegations contained in ¶10 constitute a conclusion of law to which no responsive pleading is required and on that basis, they are denied.

11. Admitted.

12. Admitted in part and denied in part. It is admitted only that the Third Circuit issued its Opinion on January 14, 2003. It is denied that there is no excuse

for Defendants' alleged untimeliness when the applicable deadlines for the filing of Motions for Reconsideration has already passed prior to the Third Circuit's decision.

13. Denied.

**WHEREFORE**, Defendants, Jackson Township, W. Thomas Wilson, Michael Yoder, Ralph Weiler, Barry Parks, David Van Dommelen and Ann I. Wirth respectfully request that this Honorable Court deny Plaintiffs' Motion to Strike Defendants' Cross-Motion for Reconsideration as untimely.

**MAYERS, MENNIES & SHERR, LLP**

BY:   
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